

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney
3 JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
3 CHINHAYI J. COLEMAN (CSBN 194542)
Assistant United States Attorney
4 150 Almaden Blvd., Suite 900
San Jose, CA 95113-2009
5 Telephone: 408-535-5087
Facsimile: 408-535-5081
6 E-mail: chinhayi.j.coleman@usdoj.gov

E-filed 3/2/06

7 Attorneys for Defendant United States of America

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **SAN JOSE DIVISION**

11 ROBERT ELROY SMITH,) No. C-05-1439 JF
12 Plaintiff,)
13 v.) STIPULATION AND [PROPOSED] ORDER
14 HYANG SOOK KIM, UNITED STATES OF) GRANTING EXTENSION OF TIME FOR
15 AMERICA,) DEFENDANT TO RESPOND TO AMENDED
16 Defendants.) COMPLAINT

28 No. C-05-1439 JF
STIPULATION AND [PROPOSED] ORDER RE TIME FOR DEFENDANT'S RESPONSE

1 **STIPULATION**

2 Plaintiff Robert Elroy Smith filed his amended complaint on February 13, 2006. Defendant's
3 response to the Amended Complaint is due to be filed on February 28, 2006 (10 Court days after the
4 amended complaint). See Fed.R.Civ.Proc. 15(a). Plaintiff's amended complaint alleges that he
5 exhausted administrative remedies, without specifying how the exhaustion took place. As the present
6 case involves a number of federal agencies with which administrative claims may have been filed,
7 Defendant needs additional time to evaluate whether the administrative claim requirement has been
8 met. Accordingly, the parties stipulate that the time for filing Defendant's response to the amended
9 complaint be extended from February 28, 2006 to March 28, 2006.

10 Dated: February 28, 2006

11 **LAW OFFICES OF STANLEY G. HILTON**

12 /s/
13 STANLEY G. HILTON
14 Attorney for Plaintiff

15 Dated: February 28, 2006

16 **KEVIN V. RYAN**
17 United States Attorney

18 /s/
19 CHINHAYI J. COLEMAN
20 Assistant United States Attorney

21 **[PROPOSED] ORDER**

22 Pursuant to the above stipulation, it is hereby ordered that the time for Defendant United States
23 to respond to Plaintiff's complaint is extended to March 28, 2006.

24 Dated: 3/2/06

25 
26 THE HONORABLE LE JEREMY FOGEL
27 United States District Judge

28 No. C-05-1439 JF
STIPULATION AND [PROPOSED] ORDER RE TIME FOR DEFENDANT'S RESPONSE

CERTIFICATE OF SERVICE

ROBERT ELROY SMITH,
Plaintiff,
v.
HYANG SOOK KIM, et al.,
Defendants. } } } } } No. C-05-1439 JF

The undersigned hereby certifies that: (1) she is an employee of the office of the United States Attorney for the Northern District of California; (2) she is not a party to this case; (3) she is a person of suitable age and discretion as to be competent to serve papers; and (4) on this date she caused a copy of the following document(s) to be served upon all parties to this action:

**STIPULATION AND [PROPOSED] ORDER GRANTING EXTENSION OF TIME FOR
DEFENDANT TO RESPOND TO AMENDED COMPLAINT**

Except as set forth otherwise below, the undersigned caused the afore-described document(s) to be served by placing a true copy of each such document in a sealed envelope, with postage thereon fully prepaid, and by placing said envelope either in a U.S. Mail mailbox or in the designated area for outgoing U.S. Mail in accordance with the normal practice of the United States Attorney's Office, addressed as follows:

Stanley G. Hilton
Law Offices of Stanley G. Hilton
2570 North First Street, Suite 200
San Jose, CA 95131

Hyang Sook Kim
1030 Magnolia Avenue, Apt. # 5
Millbrae, CA 94030

I declare under penalty of perjury that the foregoing is true and correct, and that this document was executed by me at San Jose, California, on 8-28-06.

Ann Nelson
Ann Nelson
Legal Assistant